

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

<p>LIONEL E. GENTRY, <i>Petitioner-Appellant,</i></p> <p style="text-align:center">v.</p> <p>ERNIE ROE, Warden; ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, <i>Respondents-Appellees.</i></p>	}	No. 00-55691  D.C. No. CV-97-04867-ER- AN  ORDER
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On Remand from the  
United States Supreme Court

Filed August 30, 2004

Before: Procter Hug, Jr., Jerome Farris, and  
Barry G. Silverman, Circuit Judges.

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**COUNSEL**

James H. Locklin, Deputy Federal Public Defender, Los Angeles, California, for the petitioner-appellant.

Shawn A. McGahey and John R. Gorey, Deputy Attorney General of the State of California, Los Angeles, California, for the respondents-appellees.

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**ORDER**

Based upon the Supreme Court's decision in this case, filed October 20, 2003, the judgment of the district court is affirmed, and the mandate shall issue forthwith.

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